

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

HAROLD SHAMBURGER,

0074597 JSW(PR)

PLAINTIFF,

v.

R. KIRKLAND, ET AL.,

DEFENDANTS.

DECLARATION OF HAROLD SHAMBURGER IN SUPPORT OF  
PLAINTIFF'S MOTION TO COMPEL PLAINTIFF'S  
DISCOVERY REQUESTS NOS. #3, 4 AND 5.

I, HAROLD SHAMBURGER, DECLARE;

1.) PLAINTIFF SUBMITS THAT DEFENDANTS DENIAL OF  
HIS FIRST SET OF REQUESTS FOR PRODUCTION OF  
DOCUMENTS IS WITHOUT MERIT.

2.) PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS  
ITEMS #3, 4 AND 5 ARE CENTRAL TO THE MATERIAL  
FACTS BEFORE THIS COURT;

A. WHETHER DEFENDANT ICI SERGEANT C. STEWART  
MALICIOUSLY MISCLASSIFIED PLAINTIFF AS A "CURRENT  
ACTIVE" GANG MEMBER BASED ON TWO DOCUMENTS OF  
ACTIVITY PROTECTED BY THE 1ST AMENDMENT AND A  
DOCUMENT REJECTED ON 10/6/04 BY DEFENDANT ICI  
SGT. C. STEWART AND M. RANDOLPH AS UNRELATED TO  
GANG ACTIVITY. IN ORDER TO SILENCE PLTF'S. LEGITIMATE  
LEGAL ACTIVITIES AND HIS PERSISTENT LITIGATION OF  
HIS WRONGFUL SECURITY HOUSING UNIT ("SHU")  
RETENTION (PLTF'S. COMPL. 49-61).

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THIS DOCUMENT WOULD DEMONSTRATE PLAINTIFF'S CONTENTIONS THAT DEFENDANT STEWART KNOWINGLY MANIPULATED THE EVIDENCE AGAINST PLAINTIFF FOR THE PURPOSE OF DENYING PLAINTIFF A DRB REVIEW AND TO SILENCE PLAINTIFF JAILHOUSE LAWYERING ACTIVITIES. AND TO UNDERMINE PLAINTIFF'S CONTENTIONS THAT PENAN BAY PRISON OFFICIALS HAD CONSPIRED TO DENY HIM A DRB REVIEW BETWEEN 2/00 — 6/06.

FOR THE REASONS SET FORTH HEREIN THIS COURT SHOULD GRANT PLAINTIFF'S FIRST SET OF DOCUMENT REQUEST NOS. 3-5 BECAUSE THESE DOCUMENTS ARE MATERIAL TO THOSE DISPUTED ISSUES BEFORE THIS COURT.

I, DECLARE UNDER PENALTY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: SEPTEMBER 1 2008

Steward  
/s/ HAROLD SHAMBERGER

PROOF OF SERVICE BY MAIL

(C.C.P. Section 101(a) # 2015.5, 28 U.S.C. 1746)

H. SHAMBURGER, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over eighteen (18) years of age and am a party to the below named action.

My Address is: P.O. Box 7500, Crescent City, CA 95531.

On the 1ST day of SEPTEMBER, in the year of 2008, I served the following documents: (set forth the exact title of documents served)

PLAINTIFF'S DECLARATION IN SUPPORT OF HIS MOTION TO PRODUCE DOCUMENTS SOUGHT PUTF'S FIRST SET OF DOCUMENTS REQUESTED NOS 1-5.

on the party(s) listed below by placing a true copy(s) of said document, enclosed in a sealed envelope(s) with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, CA 95531 and addressed as follows:

<u>KENNETH T. ROOST</u>	<u>U.S. DISTRICT COURT</u>
<u>DEPUTY ATTORNEY GENERAL</u>	<u>450 GOLDEN GATE AVE</u>
<u>455 GOLDEN GATE AVE</u>	<u>SAN FRANCISCO, CA 94102</u>
<u>SAN FRANCISCO, CA</u>	<u>U.S. DISTRICT JUDGE</u>
<u>94102-3664</u>	<u>JEFFREY S. WHITE</u>

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 1ST day of SEPTEMBER, 2008.

Signed: H. Shamurger  
(Declarant Signature)

AMMO SHAMMICKER # D16530

0221

P.O. BOX 7500

CRESCENT CITY, CA 95532

PELICAN BAY STATE PRISON  
5905 Lake Earl Dr  
Crescent City CA 95532



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NORTHERN DISTRICT OF CALIFORNIA

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